

**REMARKS/ARGUMENTS**

Concurrently with filing of the RCE, claims 11, 12, 15, 16, 19, 23-25, 27, 29 and 30 are amended. Claims 11, 12, 15, 16, 19 and 21-30 are now active in this application.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 103**

I. In the final Office Action of August 10, 2005, claims 15-14, 11-13, 7-9, 4-5, 19-20 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tarr et al. (USPN 5,184,179) in view of RD 330036.

As noted in the 116 Amendment filed November 9, 2005, the Examiner's identification of the claims that are rejected is incorrect as, of the identified claims, only claims 11, 12, 15, 16, 19, 21 and 22 are pending in this application. In fact, claims 11, 12, 15, 16, 19 and 21-30 are pending in this application. However, there is no actual rejection of claims 23-30.

II. The rejections are respectfully traversed.

As noted in the 116 Amendment filed November 9, 2005, in the final Office Action of August 10, 2005, the Examiner asserted that "a threshold value storing unit for holding threshold value information deciding a period for which the apparatus management data is valid", will be interpreted as meaning, *a value used for deciding when a condition is met associated with said value*.

However, as also noted in the previously filed 116 Amendment, such interpretation is, on its face, not specific enough as, for example, claim 15 requires that the "threshold value information" be information for *deciding a period*. In this regard, it is clear that "period" is a "time period". Thus, the threshold value information is information regarding *a time period in*

*which the apparatus management data* that is included in the packet sent from the centralized management device to the apparatus connected to a respective apparatus management device *is valid*. This is entirely consistent with what is claimed and with the disclosure at page 22, lines 15+ under the section labeled Remote Command Processing. Consequently, Applicant believes that the Examiner's interpretation "a value used for deciding when a condition is met associated with said value" is much broader than what is claimed.

Tarr et al. discloses that the computer control 16 (which corresponds to the control device) sends a signal to the billing computer 38 (which corresponds to the centralized management device) when the predetermined time period has ended (see column 6, lines 39-54). That is, when each predetermined time period ends, as measured using real time clock 30 and the predetermined time period store in RAM, the CPU 24 of the monitoring system sends a signal to the billing computer 38 indicating the end of the time period and then also forwards the total count value to the billing computer (to prepare a bill). Tarr et al. does not disclose a packet (including apparatus management data) sent from the billing computer (centralized management device) to the computer control 16 (corresponding to the apparatus connected to a respective apparatus management device), let alone determining that the apparatus management data in the packet was received during a time period in which such data is valid.

In the final Office Action, the Examiner noted that Tarr et al. "does not explicitly teach where said packets include expiration information (e.g. data and time) upon which validity of data is determined". However, as noted above, Tarr et al. does not disclose a packet (including apparatus management data) sent from the billing computer (centralized management device) to the computer control 16 (corresponding to the apparatus connected to a respective apparatus management device).

The Examiner relies upon RD 330036 as teaching a method relating to transmission of mail items, including sending out a mail item including: time setting means for setting expiration date and time in a mail item for transmission, analyzing means for determining when the mail item has expired performing a predetermined action based on the outcome of the determination including send a notice to the sender indicating the mail item is returned from the recipient due to expiration data/time.

Finally, the Examiner contends “it would have been obvious to one of ordinary skill in the art at the time the invention was made given the disclosure for triggering data transmission via the network on a time event basis including the transmission of status and billing information. From the teachings of RD 330036 it would be readily apparent to one ordinary skilled that the evaluation of an expiration date/time entails comparing the current date/time with a given expiration date/time, and determining if said date/time has or not expired, configuring a mail application to perform several actions upon said evaluation and execute said actions based on the outcome. One ordinary skilled would be motivated to apply RD 330036’s teachings to the Tarr system for receiving an notice when the mail item containing status/billing information has not been further processed or the contents become past due, enabling the sender to take subsequent actions, for example retransmission of said data if before a billing cycle deadline an alternate form of retransmission in response to said notice or discarding said data is received after said billing cycle. One ordinary skilled in the art would further be motivated to apply the teachings of RD 330036 to any intermediate point between sender and destination, e.g. a mail server or relay device with mail application processing capabilities inhibiting the transmission of when the mail contents has become past due, i.e. “expired”, or the items content becomes sensitive due to future change (i.e. “future time related sensitive”) improving the

bandwidth/resource utilization.” However, no such motivation is disclosed in RD 330036 or Tarr et al. In fact, the point of RD 330036 is to have a sender’s sent E-mail removed from a recipient’s in-basket and returned to the sender if the recipient fails to open the E-mail prior to an expiration date and time. Applying the teachings of RD 330036 to any intermediate point between sender and destination is neither disclosed nor suggested RD 330036 or Tarr et al. Consequently, the only reasonable conclusion is that the Examiner makes such assertion because Applicant discloses and claims a terminal device for relaying command data between a center device and an apparatus where the terminal device comprises a control unit for permitting transmission of the command data to the apparatus on condition that the current date and/or time obtained from the clock is not past the expiration date and/or time. Thus, the rejection(s) is/are an example of improper reconstruction of the claimed invention using the present disclosure as a guide.

Also, the Examiner’s assertion that “One ordinary skilled would be motivated to apply RD 330036’s teachings to the Tarr system for receiving a notice when the mail item containing status/billing information has not been further processed or the contents become past due, enabling the sender to take subsequent actions, for example retransmission of said data if before a billing cycle deadline an alternate form of retransmission in response to said notice or discarding said data is received after said billing cycle” does not take into consideration that in Tarr et al., the signal (notice) merely indicates the end of the predetermined time period and is always processed by the billing computer 38 when it is received and the billing computer 38 receives the total count value that is forwarded also. Thus, Applicant maintains that the Examiner has yet to provide a realistic reason why the signal indicated the end of the

predetermine time period would ever realistically include an indication of when such signal expires.

Consequently, it is Applicant's position that the Examiner has not articulated any logical reason why one having ordinary skill in the art would have been motivated to modify Tarr et al. in view of RD 330036. In this regard, it should be appreciated that Tarr et al. does **NOT** ever realistically encounter a situation where the signal sent to the billing computer 38 indicating the end of the predetermined time period is invalid, or that there is ever a determination/condition that such signal (indicating the end of the predetermined time period) can be sent to the billing computer 38 (to indicate the end of the predetermine time period) when the current date and/or time from real time clock 30 is not past the predetermined time period. More specifically, there is no realistic situation in which the signal sent to the billing computer 38 indicating the end of the predetermined time period would be invalid, as it is only sent after the predetermined time period has expired. Also, even if it were presumed that the arrangement of Tarr et al. could somehow send the signal (indicating the end of the predetermined time period) to the billing computer during a period when the current date and/or time from real time clock 30 is not past the predetermined time period, such signal (indicating the end of the predetermined time period) would be in error (invalid) since the predetermined time period has not ended.

Applicant again maintains that a person of ordinary skill in the art would understand and appreciate that there is no condition in Tarr et al. where the signal indicating the end of the predetermined time period would be generated when the predetermined time period has **NOT** ended, or that after the predetermined time period has past, a notice is sent to the billing computer that indicates the signal indicating the end of the predetermined time period is invalid. In this regard, the signal indicating the end of the predetermined time period is sent when the time

generated by real time clock 30 equals the predetermined time period (see column 6, lines 42-46). There is no realistic situation where such signal would ever be considered invalid based upon it being past the predetermined time period, as it is merely a signal indicating the end of the predetermine time period.

Thus, it is not apparent whence stems the requisite realistic motivation for one having ordinary skill in the art to zero in on the mail items of RD 330036 and then insert it into the system of Tarr et al. “for receiving an notice when the mail item containing status/billing information has not been further processed or contents become past due”, as Tarr et al. does **NOT** ever realistically encounter a situation where the signal sent to the billing computer 38 indicating the end of the predetermined time period is invalid. Clearly, the only apparent motivation of record for the proposed modification of the system disclosed by Tarr et al. to arrive at the claimed inventions is found in Applicant's disclosure which, of course, may not properly be relied upon to support the ultimate legal conclusion of obviousness under 35 U.S.C. §103. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 227 1 USPQ2d 1593 (Fed. Cir. 1987).

It is, therefore, respectfully submitted that the Examiner has not established the requisite motivation for the proposed combination of references to arrive at the claimed invention.

**III.** At any rate, to expedite prosecution, independent claim 11 is amended to recite, *inter alia*:

a threshold date and/or time storing unit for holding threshold date and/or time information deciding a time period for which the apparatus management data is valid...

Independent claims 15, 16, 19, 23, 24, 25 and 29 are similarly amended. It is believed clear that “*threshold date and/or time information deciding a time period for which the apparatus management data is valid*” is clearly distinguishable from “*a value used for deciding when a condition is met associated with said value*”.

It is also believed to be clear that neither Tarr et al. (USPN 5,184,179) nor RD 330036 disclose or suggest a terminal device for relaying command data between a center device and an apparatus where the terminal device comprises a control unit for permitting transmission of the command data to the apparatus on condition that the current date and/or time obtained from the clock is not past the expiration date and/or time, as required by independent claims 27 and 30.

In view of the above, the allowance of claims 11, 12, 15, 16, 19 and 21-30, as amended, is respectfully solicited.

## **CONCLUSION**

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

**Application No.: 09/547,673**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Edward J. Wise', is written over the printed name and registration number.

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